

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEENA HEISLER,

Plaintiff,

vs.

TED'S TOBACCO, INC., MICHAEL  
WRIGHT, TREK PROPERTIES, LLC,  
and JOHN DOE 1 AND 2 INCLUSIVE,

Defendants.

**8:16CV462**

**ORDER**

This matter is before the Court on the magistrate judge's<sup>1</sup> April 13, 2017, findings and recommendation (Filing No. 28), recommending the Court dismiss this action for failure to prosecute. Neither party has objected to the findings and recommendation within the time permitted. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; NECivR 72.2. The Court finds the magistrate judge's findings and recommendation should be accepted and this case dismissed without prejudice. Accordingly,

IT IS ORDERED:

1. The magistrate judge's findings and recommendation (Filing No. 28) are accepted.
2. This case is dismissed without prejudice for want of prosecution.

Dated this 28th day of April, 2017.

BY THE COURT:

*s/ Robert F. Rossiter, Jr.*  
United States District Judge

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<sup>1</sup>The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.